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10/085,411	02/28/2002	Douglas Richard Luehrs	A-7295	3215

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EXAMINER
NEWLIN, TIMOTHY R

ART UNIT	PAPER NUMBER
2424	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOmail@sciatl.com

Office Action Summary	Application No.	Applicant(s)	
	10/085,411	LUEHRS, DOUGLAS RICHARD	
	Examiner	Art Unit	
	Timothy R. Newlin	2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 March 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *98,99,101-109 and 125-129* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *112-124* is/are allowed.

6)☒ Claim(s) *98,99,101-109 and 125-129* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Allowable Subject Matter

Claims 112-124 are allowable over the prior art.

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive.

With respect to claim 98, Applicant first argues that one would not be motivated to combine the references because they concern two different situations. Examiner disagrees; the references are both addressed to set top boxes that allow users to schedule recording and viewing of future programs. Bates focuses on recording repeat showings, and Brian discloses viewing supervision in connection with the program guide. While the references each meet different claimed subject matter, the possibility of implementing the respective systems in combination would be obvious to one skilled in set top boxes. Brian's disclosure of specific program approval and temporal settings, suggest the need for recording functionality to allow specific programs regardless of when the originally air. Moreover, the benefits of recording/time-shifting content in general are well-known to those of ordinary skill. As far as the different types of triggers for recording/interrupting, the examiner maintains that one of ordinary skill would recognize that the two systems could complement each other and be implemented on the same hardware.

The amendment attempts to distinguish over Bates and Brian by changing "determining whether media content is provided at a time outside the unapproved time interval" to "determining whether media content is provided *only* at a time outside the approved time interval." This amendment is not sufficient to distinguish over the references because the claim does not require that the content *be* available only outside the approved interval--it requires "determining whether" it is available or not. Brian meets this limitation because in the process of implementing supervised viewing, it determines the status of all programs, i.e. whether they are available only in the approved interval, only outside the approved interval, or both.

With respect to claim 103, Applicant argues that Kim does not determine updates with respect to when the content was defined for access. However, it is Examiner's position that Kim provides the teaching for displaying updates since a given event, and Brian provides the positive definition event comprising a positive authorization and the motivation to display updates. Both of these points are further explained in the rejection below.

In addition, claim 103 was amended to recite displaying "*only* updates to the media content." However this language—construed broadly but reasonably—reads on Kim because Kim does in fact display only updated data. Since all of the listings are compared to the most recent data (*see* col. 2, 34-51), only updated data is displayed. As evidence of this usage in the program guide art (but not to meet the claim limitations), *see* col. 3, ll. 15-27 and col. 12, ll. 24-32, Kondo et al., US 6,763,522.

Applicant amends claim 125 to recite that one linking level is "subsumed" within the other, and argues that Herrington teaches switching between authorization levels rather than including programs from one level into another. Examiner disagrees; while Herrington does allow switching between levels, it also teaches applying changes to one or more accounts in order to include changes made to a designated account. In the example illustrated by Figs. 9-10B of Herrington, the administrator changes the settings for User 1 (screen 204, Fig. 10A), then applies those changes to Users 2 and 4, but not User 3 (step 202, Fig. 9; screen 210, Fig. 10B). Thus media content enabled for User 1 is now subsumed within Users 2 and User 4's accounts.

For the reasons above, the rejections are maintained with the exception of claims 112-124 which are allowed.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 98-102 are rejected under 35 U.S.C. 103(a) as unpatentable over Brian et al., US 5,548,345, in view of Bates et al., US 6,681,396.

3. Regarding claim 98, Brian discloses a method for controlling viewer access to media content, comprising:

providing interactive user interfaces on a screen that enables an administrator to positively define media content for access by a user, the media content enabled for access upon a first non-temporal factor **[parents can allow or block channels, col. 2, 1-20, col. 7, 37-52]** and approved for access during an approved time interval **[col. 7, 37-52]**;

determining whether the media content is provided only at a time outside the approved time interval **[*See* Response to Arguments above. Upon a determination that the video signal is provided at an unapproved time, unit 10 interrupts the video signal, col. 7, 35-47]**.

Brian does not initiate recording based on a program falling outside the approved time interval. Bates discloses a method for automatically recording a program whose viewing has been interrupted **[col. 2, 29-40; col. 8, 4-8]**. The system searches for a repeat showing of the program outside of the originally viewed time interval, and records it for later viewing at a desired time. The method is analogous to the claimed invention because it records a program that cannot be presently viewed due to a conflict. In the claimed invention, the conflict is created by the administrator blocking a certain time interval. In Bates, the conflict is due to the program being interrupted for some reason, and Bates states that one source of interruption may be “demands placed on television viewers by their children" **[col. 1, 14-19]**. Thus both the claimed invention and Bates record, in response to a conflict with an approved time interval, programs

showing outside of an approved time interval for later viewing in an approved interval.

Moreover, Brian gives control of a recording device to the parental control system, thereby giving an administrator further control of recording and future playback **[cols. 5-6, 65-2]**. Given the suggestion to expand control of recording, and the positive (rather than blocking only) designation of allowed programs, it would be obvious to one of ordinary skill to utilize the automatic recording feature of Bates in order to provide playback of an authorized program within an approved time interval. Brian explicitly teaches positive definition, and therefore suggests that an approved program may need to be viewed as a recording in an approved time interval, if the two settings otherwise conflict.

4. Regarding claim 99, Brian discloses a method further comprising enabling access to the recorded media content during the approved time interval **[cols. 5-6, 60-2; col. 7, 35-38]**.

5. Regarding claim 101, Brian discloses a method further comprising providing a warning barker disclosing a time conflict between, the approved time interval and the real-time presentation of the media content **[warning message is displayed, col. 7, 44-47]**.

6. Regarding claim 102, Brian discloses a method further comprising providing the user with an option to record the media content **[col. 3, 50-52]**.

7. Claim 103-109 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brian and Bates as cited above in view of Kim et al., US 6,209,131.

8. Regarding claim 103, Brian discloses a method for controlling viewer access to media content, comprising;

providing interactive user interfaces on a screen that enables an administrator to positively define media content for access by a user **[Fig. 7]**.

Brian does not determine updates or include a screen showing recent updates to program information. Kim discloses

determining updates to the media content **[col. 1, 60-63; Figs. 3 and 4, col. 7, 1-18]**.

displaying only updates to media content to the administrator, the updates comprising new media content **[col. 2, 34-51, Figs. 3 and 4, col. 7, 1-18; *also see* Response to Arguments above]**. Kim also states that one motivation for displaying updated information is to address the situation when a program has been reserved for recording and then is rescheduled or cancelled **[col. 1, 60-63]**. This is analogous to the problem in the claimed invention wherein a parent may define access parameters and the underlying program schedule changes. Given the suggestion by Kim, it would have been obvious to one skilled in the art of

program guides that Brian could be modified to incorporate the information update display of Kim, in order to prevent confusion and conveniently inform an administrator that their settings may need to be changed. Moreover, the overall motivation of Brian is parental control, which can be truly provided only if updates are flagged by the system.

Kim does not specifically teach that the updates are with respect to authorized programs. However, given the supervisory function of Brian, it would be obvious to one of ordinary skill that the relevant updates would be since the administrator last defined access. Kim teaches determining updates that have occurred to programs having a specific status, e.g. those scheduled for future recording **[col. 1, 60-63; Figs. 3 and 4, col. 7, 1-18]**. To result in the claimed invention, one would merely have to determine updates with respect to a different status—in this case, a previous positive definition.

9. Regarding claims 104 and 105, Brian does not explicitly teach determining and storing the time at which media was defined for access. Official notice is taken that it is well-known in microprocessor computing to store a time stamp indicating when data was stored or updated. Brian does include a real-time clock **[col. 6, 11-12]** and the microprocessor is capable of reading the current time and accessing memory **[col. 7, 13-16]**. Given the capabilities of Brian and the common practice of recording the time of data operations in computing, it would have been obvious to one of ordinary skill that the microprocessor could

determine and store to memory when the media content was last defined for access.

10. Regarding claim 106, Kim discloses a method wherein the updates are displayed on an update screen **[Fig. 4]**.

11. Regarding claim 107, neither reference teaches a banner per se. However, official notice is taken that the use of a banner-type display was well-known and common in the art of graphical user displays at the time of invention. It would have been obvious to one skilled in the art that new or updated schedule information could be displayed via a banner, rather than adding an icon as shown in Fig. 4 of Kim. Depending on the chosen shape of the program guide itself, a banner shape could be more fitting.

12. Regarding claim 108, Kim discloses a method wherein the updates relate to pay per view content **[col. 1, 23-27]**.

13. Regarding claim 109, Kim refers specifically to new programs, but not new channels. However, it is clear that the EPG contains channel information **[Fig. 1, col. 1, 23-24]**. Futhermore, official notice is taken that it was well-known that broadcasters added or removed channels from the lineup occasionally. Given that fact and the updating scheme of Kim, it would have been obvious to one skilled in the art to modify Kim to track channel updates as well as program

updates, in order to notify users when a new channel needs to be either allowed or blocked.

14. Claims 125-129 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herrington et al., US 6,922,843.

15. Regarding claim 125, Herrington discloses a method for controlling viewer access to media content, comprising:

providing interactive user interfaces on a screen that enables an administrator to positively define media content for a plurality of authorization levels **[e.g., administrator can positively identify HBO as viewable by removing the lock, Fig. 10a]**; and

displaying an interactive authorization level linking screen **[screen 210, Fig. 10b]**, the interactive-authorization level linking screen showing a first authorization level **[e.g., User 2]** and a second authorization level **[e.g., user 4]** and an indication of whether media content enabled for the second authorization level is subsumed within the first authorization level **[Yes or No icon indicates whether media content enabled (via screen 210, Fig. 10b) for one user is enabled for another. In the case depicted in Fig. 10b, content enabled for User 2 is enabled for User 4, but not for User 3. *See* Response to Arguments section above]**.

Herrington does not use an icon to show whether media content is subsumed within the respective authorization levels, instead using simply "Yes" or "No" next to each account **[screen 210, Fig. 10B]**. Herrington also uses icons in a number of other places within the user interfaces **[e.g. screen 153, Fig. 5B]**. Given the disclosure of icons by Herrington and the disclosed indication of authorization level, one of ordinary skill could have readily and obviously modified Herrington to use an icon to convey whether media content is enabled for a respective user on a screen such as 157 in Fig. 5A. Using an icon rather than text makes more efficient use of limited screen space and can provide an intuitive and therefore quick recognition of information by a user.

16. Regarding claim 126, Herrington discloses a method further comprising linking the first authorization level with the second authorization level to enable for the first authorization level media content previously enabled for the second authorization level in addition to the media content enabled for the first access level **[administrator "links" the User 2 authorization and the User 4 authorization levels, which causes Channel #30 to be blocked in addition to the previous settings in place on either User 2 or User 4's authorization profile. Yes or No icon indicates whether media content enabled (via screen 210, Fig. 10b) for one user is enabled for another. In the case depicted in Fig. 10b, content enabled for User 2 is enabled for User 4, but not for User 3. *See* Response to Arguments section above.]**.

17. Regarding claim 127, Herrington discloses a method wherein the authorization levels are provided in order of authorization level rank **[screens 148 and 158 lists authorization levels beginning with "parent" before "non-parent," i.e. the accounts are ranked by access level]**.

18. Regarding claim 128, Herrington discloses a method wherein the step of displaying an interactive authorization level linking screen to a user comprises displaying a plurality of user authorization levels and an associated include block indicating which authorization levels are linked to the first authorization level **[screen 210, Fig. 10b]**.

19. Regarding claim 129, Herrington discloses a method further comprising receiving a user input to determine whether to link the authorization levels **[Fig. 10B]**.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory

action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy R. Newlin whose telephone number is (571) 270-3015. The examiner can normally be reached on M-F, 8-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

/Christopher Kelley/
Supervisory Patent Examiner, Art Unit 2424

TRN